

UNITED STATES DISTRICT COURT
DISTRICT OF SOUTH CAROLINA

FILED

OCT 29 2003

Terry Pressley, #137798;
Petitioner,

vs.

Henry D. McMaster, Attorney
General of South Carolina;

Respondent.

C/A No. 6:03-3137-13AK PROPOS, CLERK
U. S. DISTRICT COURTOBJECTIONS

to REPORT AND RECOMMENDATION

Terry Pressley, Petitioner in the above captioned matter, respectfully objects to the Report and Recommendation of United States Magistrate Judge William M. Catoe, dated October 15, 2003. Petitioner bases his Objections on the following:

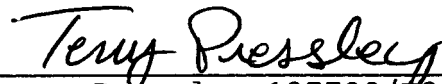
1. Petitioner will show that his petition for writ of habeas corpus should not be barred under 28 U.S.C. §2244(b)(3), where the issues of the current petition are predicated upon factual grounds not raised or adjudicated in the prior petition. And the facts underlying each claim, when viewed in light of the evidence as a whole, is sufficient to establish that, but for the Constitutional errors, no reasonable fact finder would have found Petitioner guilty of the offense.

2. Each of the issues raised in the current petition are issues of SUBJECT MATTER JURISDICTION, which may be raised at any time, and even for the first time on appeal. U.S. V. Pupo, 841 F.2d 1239 (4th Cir. 1988); U.S. Sutton, 961 F.2d 476 (4th Cir. 1992). Subject Matter Jurisdiction refers to

the Court's statutory or Constitutional power to adjudicate a particular case, and the particular case must be an act enumerated in the penal codes of the state which are called "crimes". The current petition for writ of habeas corpus specifies circumstances where the State did not adequately give notice of the Nature and Cause of the accusation, nor did the State sufficiently charge a crime enumerated as such by the penal codes of South Carolina.

3. Petitioner has made written request to the Fourth Circuit Court of Appeals for the necessary Pre-Filing Authorization forms, as instructed by the Report and Recommendation.

Sincerely,



Terry Pressley 137798/P3A267
McCormick Correctional Inst.
Route 2, Box 100
McCormick, South Carolina 29899

10-26-03